



## **Decision Notice and Finding of No Significant Impact**

# **Snowy Range Ranch Land Exchange**

**Between**

**Walt K. Weissman  
(Owner of Snowy Range Ranch)**

**And the**

**USDA Forest Service  
Northern Region  
Gallatin National Forest  
Yellowstone and Hebgen Lake Ranger Districts  
  
Park County and Gallatin County, Montana**

**Date: July 29, 2011**

**Lead Agency:**

USDA Forest Service

**Responsible Official:**

Mary C. Erickson  
Forest Supervisor

**For Further Information, Contact:**

Bob Dennee, Project Manager  
R1 East Side Lands Zone  
c/o Gallatin National Forest  
10 East Babcock Street  
Bozeman, MT 59715  
(406) 587-6914

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# Snowy Range Ranch Land Exchange

## Decision Notice and FONSI

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## I. Introduction

This Decision Notice documents my decision and “finding of no significant impact” for the **Snowy Range Ranch Land Exchange** on the Gallatin National Forest.

The Forest Service prepared an **Environmental Assessment** (“EA”) for the proposed Snowy Range Ranch Land Exchange, and requested public comment on the EA. A legal notice was published in the Bozeman Daily Chronicle (newspaper of record) on April 11, 2011. A legal notice was also published in the Livingston Enterprise. The Forest Service issued a news release regarding the EA and sent letters with copies of the EA to interested and affected parties.

After consideration of the impacts of the alternatives disclosed in the EA, and consideration of the public comments, I have selected **Alternative 2 – the Proposed Action** for implementation.

The decision includes all elements of the Proposed Action:

- The exchange of Federal and Non-federal lands;
- The exchange of mineral rights;
- The donation of a parcel of private land in the Taylor Fork area;
- Forest Service grant of an easement for existing East Fork Mill Creek Road No. 3280;
- Patent (deed) restrictions for certain Federal lands in the East Fork Mill Creek area;
- Removal of two cabins from the Non-federal lands identified for exchange.

## II. Background

Snowy Range Ranch (“SRR”) is a private “inholding”, located in the East Fork Mill Creek area south of Livingston. See the enclosed **Map A**. SRR is located within a 112.56-acre private “inholding” that was created in 1921 under the Homestead Act. This inholding is sometimes referred to as “HES 866” (the Homestead Entry Survey number). “HES 866” is surrounded by National Forest System (NFS) lands. The adjoining NFS lands on the eastern (upper) portion of HES 866 are within the Absaroka-Beartooth Wilderness. The NFS lands adjoining the western (lower) portion of HES 866 are outside of the A-B Wilderness, and are managed primarily for dispersed recreation, wildlife and fisheries purposes, with recreational residences and cabins.

Mr. Weissman purchased the SSR in 2001. He was able to consolidate most of the HES 866 lands, which had been split into several smaller ownerships over time, back into one consolidated property, except for one private parcel that remains adjacent to the SRR. That parcel is owned by Bill LaWarre. Several encroachments, including portions of a septic system, driveway, and lawn, are located on the NFS land adjacent to LaWarre’s land and residence.

Mr. Weissman manages and maintains the SRR primarily for private recreational and residential

purposes, and to conserve the natural resource and open space values on the land.

East Fork Mill Creek Road No. 3280, an existing National Forest road, provides vehicular access to the NFS lands in this area, and to the private lands in HES 866. A Forest Service trailhead is located along Road 3280, a short distance below the western edge of SRR. The trailhead serves a popular hiking trail (East Fork Mill Creek Trail No. 51), that extends across NFS lands south of the SRR, and into the A-B Wilderness.

A perennial fishing stream, the East Fork of Mill Creek, weaves through the southern part of SRR property and NFS lands. The original homestead claim that established the SRR used straight line property boundaries without regard to natural features. The resulting southern boundary of SRR is crossed nine times by East Fork Mill Creek. This leads to inadvertent trespass on SRR lands by people using nearby forest East Fork Mill Trail No. 51, and creates four isolated forest tracts that can only be legally accessed by wading across the creek.

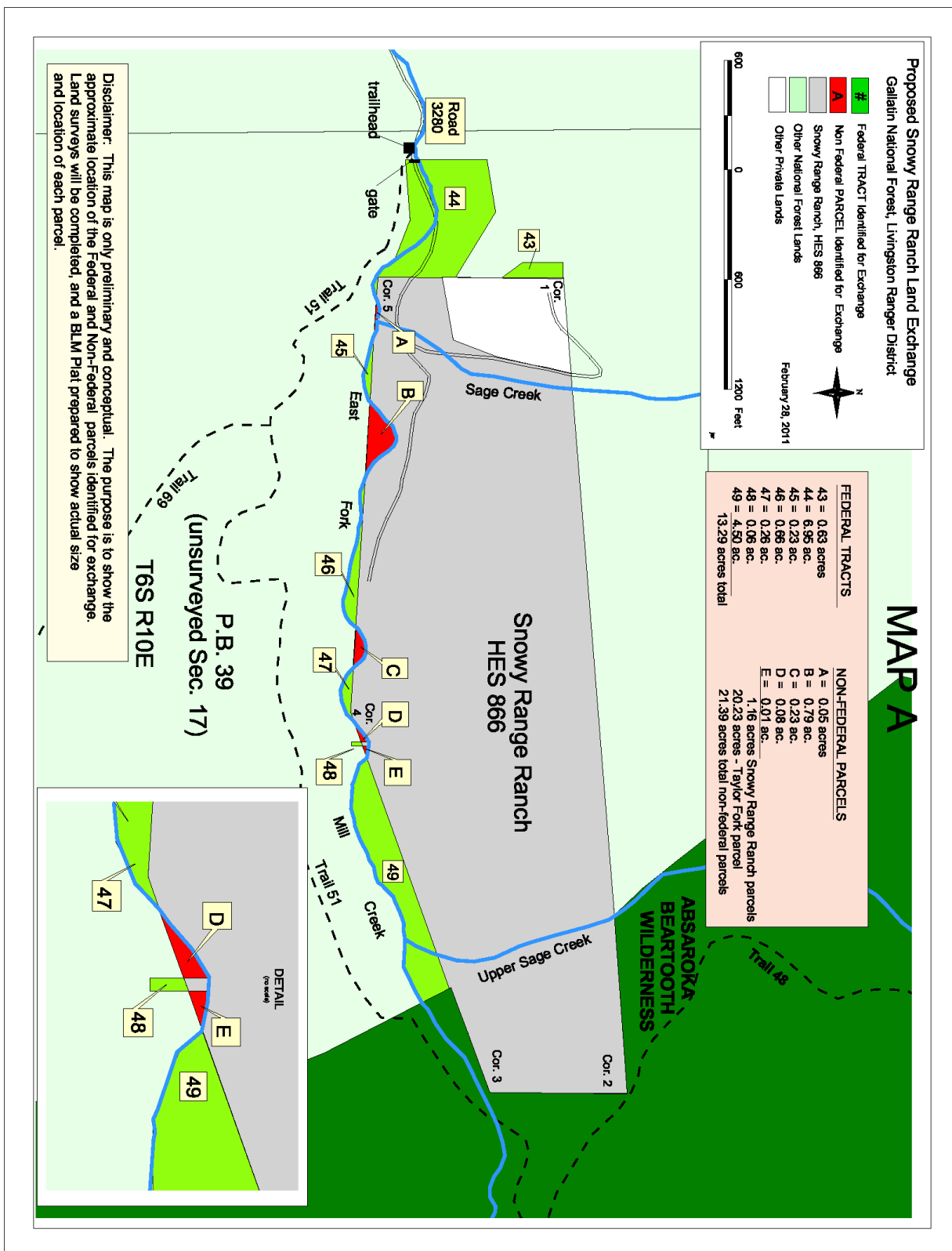
In 2006, Weissman contacted the Forest Service and expressed interest in pursuing a land exchange with beneficial public outcomes, while also providing an opportunity for Weissman and the Forest Service to address the boundary management issues at Snowy Range Ranch.

During this timeframe, a private in-holding in the Taylor Fork area (Lot 29, Section 1, T9S, R3E) was being offered for sale. In the land exchange, this Taylor Fork inholding is identified as **Parcel F** on the enclosed **Map B**. The lands in the Taylor Fork provide critical habitat for grizzly bear, elk, moose and other species. In 2002-03, the Forest Service, in partnership with The Trust for Public Land (TPL), purchased most of the private lands owned by 320 Ranch (David J. Brask), including most of the lands in Section 1. However, several years prior to that purchase, Mr. Brask sold one parcel (Lot 29) in Section 1 to a private investor.

Years later, that investor offered Lot 29 for sale. With support from the Forest Service and others interested in conserving the Taylor Fork, TPL encouraged Weissman to help protect this Taylor Fork parcel, which could be used as the basis to design a workable trade. Weissman then purchased the Taylor Fork parcel (Lot 29), removing it from the real estate market, and he then offered to exchange the parcel to the Forest Service.

Weissman met with Forest Service staff to develop a potential exchange. No promises were made that an exchange would be consummated, but assurances were given that every effort would be made to bring such a trade to fruition. All parties agreed that this was worthy of the effort and expense, particularly given the importance of the Taylor Fork property.

In the early discussions, Weissman requested a Forest road easement to ensure continued non-exclusive use of Road No. 3280 leading to SRR. The Forest Service agreed to diligently pursue this land exchange, and to grant the requested Forest Road Easement as part of the exchange.





### III. Purpose and Need for Action

The overall purpose and need for the Snowy Range Ranch Land Exchange has two areas of emphasis, corresponding to the two separate geographic areas of the national forest.

In the **East Fork Mill Creek area** (See **Map A**), the purpose of the exchange is to establish a more manageable and clearly-defined boundary between private (SRR) land and NFS lands. Intermingled NFS and private lands are difficult to manage effectively. Both parties desire to consolidate ownership to better manage their respective lands in the future.

Currently, the property line crosses East Fork Mill Creek several times, and tends to be confusing and difficult to locate on the ground. The exchange will consolidate private land ownership north of East Fork Mill Creek and consolidate NFS lands south of the creek. The new boundary will be based on a natural feature, the centerline of East Fork of Mill Creek.

The exchange will also resolve several encroachments (private developments) on the Federal lands identified for exchange in East Fork Mill Creek.

In the **Taylor Fork area** (See **Map B**), the primary purpose of this exchange is to acquire a private land parcel with very high wildlife habitat values, particularly for elk, moose and grizzly bear, and with outstanding public recreation potential. This exchange will complement a twenty-year effort by the Forest Service, Montana Fish, Wildlife, and Parks (FWP), the Rocky Mountain Elk Foundation (RMEF), TPL, and other partners to acquire and consolidate lands in the Taylor Fork, to conserve the rich public resource values and traditional land uses in that area.

The exchange in the Taylor Fork will:

- Improve long-term land management effectiveness.
- Acquire private land with high wildlife habitat value, particularly for elk, moose, and grizzly bear, and outstanding public recreation potential.
- Remove an existing private cabin that is prominently visible from a popular trout fishing stream and public access road.
- Reduce the potential for new private development, private access roads, and associated development in the Taylor Fork.

## IV. Proposed Action

The Snowy Range Ranch Land Exchange involves several small parcels of Federal and Non-federal lands in the East Fork Mill Creek area, south of Livingston on the Yellowstone Ranger District. It also involves one parcel of Non-federal land in the Taylor Fork area, south of Big Sky, on the Hebgen Lake District. All lands are within the Gallatin National Forest.

### **Federal and Non-federal Lands:**

In this project, Weissman will convey a total of approximately **21.39 acres** of Non-federal lands to the United States (“U.S.”) for inclusion in the Gallatin National Forest. In exchange, the U.S. will convey approximately **13.29** acres of Federal lands to Weissman, with deed restrictions.

**Map A** shows the specific parcels of Federal and Non-federal lands in the East Fork Mill Creek area. **Map B** shows the one parcel of Non-federal land in the Taylor Fork.

The U.S. will exchange seven small tracts of Federal land to Weissman. Refer to **Map A**. Federal **tracts 45, 46, 47 and 49** are located along the north side of East Fork Mill Creek adjacent to HES 866. **Tracts 43 and 44** are located along the west side of HES 866. **Tract 48** is a 0.06-acre parcel along the south side the creek.

In turn, Weissman will convey six parcels of Non-federal lands to the U.S. Five of the Non-federal parcels, totaling 1.16 acres, are located along the south side of East Fork Mill Creek, adjacent to HES 866. These five parcels are identified as **parcels A, B, C, D and E** on **Map A**.

The other Non-federal parcel, comprising 20.23 acres, is located in the Taylor Fork area. On **Map B**, this parcel is identified as **parcel F**. It is a remnant “inholding” in Section 1, T9S, R3E, situated just north of Taylor Fork Creek and surrounded by NFS lands.

### **Patent (Deed) Restrictions:**

The U.S. will place permanent patent (deed) restrictions on the Federal lands identified for exchange to Weissman in the East Fork Mill Creek area. These restrictions will:

- Protect wetlands and riparian areas along East Fork Mill Creek; and
- Prohibit the alteration of flows in East Fork Mill Creek that could adversely affect populations of Yellowstone cutthroat trout, a sensitive species.

### **Donation of Lands:**



The Federal and Non-federal lands were appraised in accordance with federal standards. Based on the approved appraisal reports, the estimated total market value of the Federal lands is \$266,000, and the estimated total market value of the Non-federal lands is \$325,000.

The land exchange will be completed on the basis of equal market values. Of the total amount (21.39 acres) of offered Non-federal lands, 17.48 acres will be used to balance the exchange values. In a separate transaction, Weissman will donate the remaining 3.91 acres of Non-federal lands to the U.S. The lands offered for donation are within Parcel F in the Taylor Fork area.

### **Mineral Rights:**

There are no unpatented mining claims, oil and gas leases or active mining activity on any lands identified for exchange. The involved exchange lands have minimal potential for discovery of economically viable mineral deposits of any kind.

In the East Fork Mill Creek area, there are no severed mineral estates. The U.S. will convey to Weissman the mineral rights associated with the Federal lands. Weissman owns and will convey to the U.S. the mineral rights associated with the Non-federal lands in East Fork Mill Creek.

The mineral rights on the 20.39-acre parcel in the Taylor Fork (Parcel F) are outstanding and owned by Conoco-Phillips. Therefore, the severed mineral rights will not transfer to the U.S. in the exchange and in the land donation.

### **Forest Road Easement:**

As part of this overall project, the Forest Service will grant a Forest road easement to Weissman, to authorize his continued non-exclusive use and maintenance of East Fork Mill Creek Road No. 3280, an existing National Forest Road that provides access to HES 866.

Shortly after the exchange, the Forest Service will revoke a Special Use Permit currently issued to Weissman for one segment of Road No. 3280. That permit will no longer be needed because the affected Federal land (tract 44) will be exchanged to Weissman. Weissman will maintain a gate on Road No. 3280 at the new western property line of SRR, on Tract 44. The gate location is beyond the Forest Service trailhead parking area.

### **Removal of Cabins:**

By agreement, the cabin on Non-federal Parcel B, south of East Fork Mill Creek, will be removed by Weissman and the site will be restored. The cabin in the Taylor Fork (Parcel F) will also be removed and the site restored. Prior to the exchange, Weissman has the option to remove the Taylor Fork cabin, or allow another entity to remove it. However, if he elects not to remove the cabin prior to the exchange, the Forest Service will remove it after the exchange.

## V. Decision and Reasons for the Decision

### A. Decision Criteria

In making my decision regarding the proposed Snowy Range Ranch Land Exchange on the Gallatin National Forest, I focused on the following four criteria:

1. The effectiveness of the alternative in creating a more manageable and recognizable boundary between the national forest and private lands in the East Fork Mill Creek area.
2. The effectiveness of the alternative in resolving the several existing encroachments on national forest system lands in the East Fork Mill Creek area.
3. Whether the alternative provides for public acquisition and conservation of the private in-holding in the Taylor Fork, an area that is vitally important for grizzly bear, elk, moose and several other wildlife species.
4. The effectiveness of the alternative in avoiding future development of private lands and roads, and the associated impacts to the surrounding NFS lands in Section 1 that were recently acquired in the 320 Ranch- Taylor Fork purchase.

### B. Decision

Based on a comparison of alternatives with the criteria described above I have decided to implement **Alternative 2 – the Proposed Action** for implementation.

The decision includes all elements of the Proposed Action:

- The exchange of Federal and Non-federal lands;
- The exchange of mineral rights;
- The donation of a parcel of private land in the Taylor Fork area;
- Forest Service grant of an easement for existing East Fork Mill Creek Road No. 3280;
- Patent (deed) restrictions for certain Federal lands in the East Fork Mill Creek area;
- Removal of two cabins from the Non-federal lands identified for exchange.

The selected alternative is described in more detail above in **Section IV – Proposed Action**, and in **Chapter 2 of the EA**.

### C. Consideration of the Issues

Based on comments received during scoping for this proposal and the environmental analysis

disclosed in the EA, I found five issues to be significant to my decision.

- 1. Wetlands, Floodplain and Riparian Areas.** Concern was raised that a proposed land exchange could affect wetlands, floodplain and riparian areas.
- 2. Fisheries.** Concern was raised that a proposed land exchange, or the absence of a potential exchange, could affect fisheries and fisheries habitat.
- 3. Wildlife.** Concern was raised that a proposed land exchange, or the absence of a potential exchange, could affect wildlife habitat.
- 4. Encroachments on NFS Lands.** The issue was raised that a proposed land exchange, or the absence of a potential exchange, could affect private encroachments on NFS lands.
- 5. Public Access.** Concerns were raised that a proposed land exchange, or the absence of an exchange, could affect public access, particularly in the East Fork Mill Creek area.

My conclusions about each of these issues are discussed in Section D. which follows.

#### **D. Reasons for the Decision**

I made my decision to select Alternative 2 because it best meets the overall purpose and need for the project, best responds to the public issues, and it sets the stage for more effective and efficient management of NFS lands in the future. Forest Service specialists considered public comments and used those comments to strengthen the environmental analysis. The issues and concerns have been thoroughly analyzed and discussed in the EA. All comments and analysis are filed in the project record.

Considering all alternatives, including those considered but eliminated from detailed study, a range of reasonable alternatives was considered. I have reviewed the alternatives considered in detail and find they were responsive to key issues and the purpose and need for the analysis.

In accordance with 36 CFR 254.3 (b)(2)(i) and (ii), I determined that this land exchange, including the patent restrictions, grant of a road easement, and removal of two cabins from lands conveyed to the U.S. will serve the public interest; that the resource values and public objectives served by the Non-federal lands to be acquired exceed the resource objectives served by the Federal lands to be conveyed, and that the intended use of the conveyed Federal lands will not substantially conflict with established management objectives on adjacent Federal lands.

The EA demonstrates that National Forest management will not be adversely affected by this exchange. The EA also demonstrates that there will be no significant adverse impacts to the quality of the human environment as a result of this exchange. (*EA, Chapter 4*).

Additional specific reasons for proceeding with the Snowy Range Ranch Land Exchange follow:

**1. The exchange will create a more manageable and recognizable boundary between the NFS lands and private lands in the East Fork Mill Creek area.**

Currently, the property line between NFS lands and private SSR lands crosses East Fork Mill Creek several times. That boundary line tends to be confusing and difficult for most people to recognize on the ground. In selecting Alternative 2, I considered the fact that this exchange will simplify and improve long-term management, by consolidating public lands south of East Fork Mill Creek, and consolidating private lands north of the creek. The new boundary will use a natural feature, the centerline of East Fork of Mill Creek. This will also reduce inadvertent trespass onto SRR land and remove a private cabin south of the creek.

In selecting Alternative 2, I recognized that public access to NFS lands will be affected, both in East Fork Mill Creek area and in the Taylor Fork. Overall, the land exchange will add a net of 8.27 acres of lands to the National Forest that are available for public recreation use.

In the East Fork Mill Creek, 1.16 acres of SSR lands, located south of the creek, will be conveyed to the U.S., and 13.29 acres of NFS lands, located mostly north of the creek, will be conveyed to Snowy Range Ranch. The exchange will therefore result in a small net loss of public lands in East Fork Mill Creek. However, the majority of the NFS lands along the north side of the creek are currently blocked by private land, so the net practical change in legal access is quite small. One exception is Tract 44, which does have legal public access.

In the Taylor Fork, 20.39 acres of private lands will be conveyed to the U.S. by exchange and donation. All of these lands will have legal access for public recreation.

One other important consideration in my decision was the fact that current access to the Forest Service Trailhead and East Fork Mill Creek Trail No. 7 on the south side of the creek will remain intact and public use of these facilities will not be affected by this land exchange.

**2. The exchange will resolve the several existing encroachments on NFS lands.**

I chose the Proposed Action, in part, because it will resolve several encroachments (private developments) that currently exist on some of the NFS lands in East Fork Mill Creek area. The encroachments include portions of a septic system, driveway, and lawn located on NFS lands adjacent to Bill LaWarre's private land and residence. (See **Map A, Tract 43**)

To address these encroachments, the Forest Service will exchange Tract 43 to Weissman for more pristine and manageable lands. Weissman has agreed to accept title and then re-convey Tract 43 to LaWarre after the exchange. These transactions will resolve the encroachments without need to consider issuing a special use permit on the encumbered NFS lands.

One other encroachment exists on NFS land south of East Fork Mill Creek. It consists of a buried concrete retaining wall, built as part of a micro-hydro facility along the creek (See **Map A, Tract 48**, 0.06 acre). The exchange will place this retaining wall entirely on private lands. The patent restrictions will prohibit Mr. Weissman (and any future owners) from altering the ground surface of Tract 48 or interfering with public use of the land. SRR's use of Tract 48 will be limited to maintaining the buried retaining wall.

In making my decision, I also considered the removal of the two cabins presently located on private lands to be transferred to the U.S. Both cabins are vacant and neither is in useful condition. The cabin along the south bank of East Fork Mill Creek is within the floodplain and it could become a health and safety hazard in the future. The cabin in Section 1 is within critical wildlife habitat and is highly visible from Taylor Fork Road and Taylor Fork Creek. I believe the public interest is served by removing both of these cabins as part of this project.

**3. The project will enable public acquisition of a private in-holding in the Taylor Fork, and conserve habitat for grizzly bear, elk, moose and other wildlife species in that area.**

For nearly the past twenty years, the Forest Service, Montana FWP, RMEF, TPL and other conservation partners have worked together to acquire and consolidate intermingled private lands in the Taylor Fork area. Public acquisition of the private inholding ( in Section 1) will complement the past efforts to conserve this critically important area of the Gallatin National Forest, and it will reduce the potential for new roads and private development in that area.

This project will comply with the Endangered Species Act.

The Forest Service wildlife biologist (July 15, 2009, B. Dixon), determined that this exchange will have no adverse effect or loss of viability across the Forest for any endangered, threatened, or sensitive species or their habitat (See EA, pages 53-59). The US Fish and Wildlife Service concurred with our biologist's determination that this exchange is not likely to adversely affect the threatened grizzly bear, or designated critical habitat for Canada lynx or gray wolves.

The Forest Service fisheries biologist (March 13, 2008, S. Shuler) determined that this exchange, with mitigation measures including permanent patent restrictions to protect riparian and wetlands habitat, will have no effect on populations of Yellowstone cutthroat trout, a sensitive species. The patent restrictions will assure permanent protection of all aquatic resources on the lands to be conveyed to Mr. Weissman. (See EA, pages 50-53).

**4. The exchange will eliminate the risk of future development of the private land parcel in Section 1 of the Taylor Fork, and the associated impacts to the adjacent NFS lands.**

I chose the land exchange alternative, in part, because it will greatly reduce the risk of new development of private land in Section 1 of the Taylor Fork, and avoid the associated costs and environmental impacts on surrounding NFS lands in that area. (*EA, pages 54-56*)

Without the land exchange and donation, the parcel of land in Section 1 would remain private land with no legal or practical road access. In the event of no exchange, Mr. Weissman would likely try to sell his Taylor Fork property. It is likely that future buyers would attempt to develop new road access to the property across the NFS lands, which would adversely impact wildlife habitat, recreation, water quality and scenic values.

Eliminating a private in-holding within with Madison Roadless area will also enhance the integrity of the roadless area (EA: 48-49).

### **Non-significant Issues**

Agency and public scoping helped to identify other issues and concerns related to this project. The interdisciplinary team did not analyze these other issues in detail in the environmental analysis, since implementing either alternative would have no effect, or only minor effects, related to these other issues. A brief description of these other issues follows.

#### **Fire Management**

There would be no substantial change in access for fire suppression with any action. Fire suppression agencies would retain access to the Federal lands considered for exchange for emergency purposes such as wildfire response, whether in public or private ownership.

#### **Noxious Weeds**

The Taylor Fork parcel has no known infestations of noxious weeds. The exchange lands in the East Fork Mill Creek support scattered infestations of hounds tongue, Canada thistle and cheat grass. Approximately 13.29 acres of potentially-infested lands will be conveyed to private and only approximately 1.16 acres of potentially infested lands will be added to the national forest.

#### **Sensitive Plants**

No sensitive plant species were found during surveys of Federal tracts in East Fork Mill Creek, so any future private use of these tracts is not expected to impact sensitive plants. The riparian tracts along the East Fork Mill Creek will be protected through the patent restrictions.

### **Livestock Grazing**

No livestock grazing is occurring on any of the lands identified for exchange.

### **Cultural Resources**

The Forest Service conducted an archeological survey of the Federal lands considered for exchange. No cultural or archeological resources were identified on or near these lands.

### **Mineral Potential and Risk of Development**

The Forest Service mineral report indicated low mineral potential and low risk of development on all lands identified for exchange. This is based on a lack of evidence of past mineral development in the two geographic areas and unfavorable site geology.

### **Hazardous Materials**

No evidence of hazardous materials was found on any of the Federal lands or the Non-federal lands identified for exchange.

### **Wetlands and Floodplains**

Overall, the land exchange will convey approximately 5.7 acres of wetlands and floodplain into private ownership with patent restrictions, and it will convey approximately 2.16 acres of wetlands and 1.16 acre of floodplain into public ownership. To ensure no loss of wetland, floodplain or riparian values, the patents conveying Federal tracts 44 – 49 will include permanent restrictions stipulating that the lands shall not be managed so as to change the natural elements of the floodplain/wetland/riparian area. By including these patent restrictions, the exchange will comply with Executive Orders 11990 for wetlands and 11988 for floodplains.

## **E. Alternatives Studied In Detail**

The Forest Service (Interdisciplinary Team) determined that two alternatives, No Action and the Proposed Action, would adequately identify the effects associated with significant issues:

### **Alternative 1 – No Action**

#### ***Do Not Implement Proposed Land Exchange***

This alternative represents reasonably foreseeable conditions that would be expected to occur in the absence of the proposed land exchange. Alternative 1 will not change the existing land ownership in the East Fork Mill Creek and Taylor Fork areas.

## **Alternative 2 – Proposed Action**

### ***Implement Proposed Land Exchange***

As described in the EA (Chapters 1 and 2), this alternative will implement an exchange of lands and mineral rights to consolidate NFS lands in the Taylor Fork area, and to clarify the boundary between private SSR lands and NFS lands, while resolving encroachments on NFS lands in the East Fork Mill Creek area. Weissman will convey to the U.S., for inclusion in the Gallatin National Forest, a total of approximately 21.39 acres of Non-federal lands in six separate parcels. The U.S. will convey to Weissman a total of approximately 13.29 acres of Federal lands in seven separate tracts. Refer to **Map A** and **Map B**.

This alternative includes the Forest Service grant of a Forest Road Easement to Weissman for his continued use and maintenance of East Fork Mill Creek Road 3280. The Forest Service presented this alternative as the “Proposed Action” during public scoping in 2009.

These two alternatives were determined adequate because: (a) the importance of environmental issues can be minimized through application of mitigation and design features to the Proposed Action; and (b) the effects can be understood through comparison of the Proposed Action and No Action Alternatives.

## **F. Alternatives Not Given Detailed Study**

A direct purchase alternative was considered, but not evaluated in detail for the Snowy Range Ranch Land Exchange. Mr. Weissman is not interested in selling his lands to the U.S., only exchanging those lands for NFS lands. No other alternatives were considered, since the Proposed Action fully addresses the purpose and need for action, and no other action is available.



## VI. Public Involvement

### A. Overview of the Public Involvement Process

As described earlier in the “Background” section, Mr. Weissman contacted the Forest Service in 2006 and expressed interest in pursuing a land exchange to adjust the boundaries of SRR and public (NFS) lands along the East Fork Mill Creek. During this same timeframe, a private in-holding in the Taylor Fork area was being offered for sale through a Big Sky realtor. The Taylor Fork lands provide habitat important for grizzly bear, elk, moose and other species.

With support from the Forest Service and others interested in conserving the Taylor Fork, TPL encouraged Weissman to help protect the Taylor Fork parcel, which could be used as the basis to design a workable trade. Weissman then purchased the Taylor Fork parcel removing it from the real estate market, and offered it to the Forest Service.

The proposed Snowy Range Ranch Land Exchange was listed in the Schedule of Proposed Actions starting in 2009 and continuing through 2011.

In April 2009, the Forest Service sent a letter with information about the project and soliciting comment to 52 interested or affected individuals and organizations. This outreach generated three substantive public comments.

Topics identified as important to the public, other agencies and/or to the Forest Service included:

- 1) Assurance of continued public access to Forest land, particularly fishing access;
- 2) Development on private lands within the National Forest;
- 3) Protection of important wildlife habitat;
- 4) Protection of riparian areas and wetlands;
- 5) Encroachment of private facilities upon the National Forest

See Chapters 2 and 5 of the EA for more information.

The comments received from the public and from other agencies assisted the Forest Service (interdisciplinary team) in identifying the issues regarding the effects of the proposed action. The significant issues were used to develop the alternatives. Refer to Section V. above and Chapter 2 of the EA for more information.

The Forest Service requested public comment on the EA in April/May 2011. A legal notice was published in the Bozeman Daily Chronicle (newspaper of record) on April 11, 2011. A legal notice was also published in the Livingston Enterprise. The Forest Service issued a news release regarding the EA and sent letters with copies of the EA to interested and affected parties.

## B. Consideration of Public and Other Agency Comments

I want to take this opportunity to acknowledge and briefly respond to the three public comments we received during scoping for this proposed land exchange in 2009, and the eleven public and agency comments we received on the EA in April/May 2011.

### Comments received during Scoping in 2009:

During scoping, Joe Gutkoski, president of **Montana River Action**, called and discussed the exchange proposal with Forest Service staff. Joe said that, overall, the Montana River Action group supports the Snowy Range Ranch Land Exchange as proposed.

Bob Ekey, Regional Director for **The Wilderness Society**, offered these comments:

*“...the Taylor Fork drainage is critical wildlife habitat and in close proximity to Taylor Fork Creek, an important stream for trout and water quality in the Gallatin watershed. The proposed trade of 20 acres will further consolidate public ownership in the Taylor Fork drainage, better protecting wildlife habitat and recreational experiences in the area.”*

*“The resulting clearly defined property line along the south side of the East Fork Mill Creek will also be beneficial to public use and lawful enjoyment of the creek. We are further pleased that the proposed action calls for National Forest lands conveyed to Mr. Weissman to include permanent deed restrictions...Additionally, the attention given to, assurances made, regarding continued public access to the East Fork Mill Creek Trailhead are welcome”*

The Forest Service concurs with these comments from Bob Ekey. The Proposed Action will enable public acquisition of lands in the Taylor Fork, reduce the risk of future development, and enhance management of wildlife habitat, while also ensuring public use of the acquired lands. The Forest Service also agrees that the land exchange will simplify and enhance future management of lands along the East Fork Mill Creek. We appreciate the comments regarding use of deed restrictions, and the care we have taken to protect the Trailhead for Trail No. 51.

During scoping, Louis Goosey, **Park County Rod & Gun Club**, also commented on the land exchange. Mr. Goosey expressed opposition to this exchange as proposed. His main objection was “...the loss of access to 6.72 acres of public land (Tract 44) adjacent to the trailhead”. Mr. Goosey also expressed concerns about the construction of a micro hydroelectric facility on the East Fork Mill Creek. He requested copies of permits issued to Snowy Range Ranch before construction began. The Forest Service obtained copies of the permits for this hydro facility from Mr. Weissman and we sent copies of the permits to Mr. Goosey.

### Comments received on the EA in 2011:

Eleven public and agency comments were received by the Forest Service during the comment period for the Environmental Assessment (EA) for this proposed land exchange. Ten comments

are supportive and one comment is not supportive of the exchange. I want to acknowledge and respond briefly to these comments. **Appendix A** (starting on page 28) contains more detailed Forest Service responses to the comments on the EA.

Pat Flowers, Regional Supervisor for **Montana Fish, Wildlife and Parks**, wrote:

*“We believe this land exchange includes many benefits and we support the project. The gain of USFS land in the Taylor Fork is another addition to a nearly 20 year-long project consolidating public lands in an area of enormous importance to wildlife...On the East Fork Mill Creek area, the land exchange will result in a small loss of public land, but boundaries between public and private land will be much clearer...The exchange will also result in removal of one of the last guest ranch cabins that is in the floodplain.”*

Representatives for three conservation and sportsman organizations wrote supporting comments:

Alex Diekmann, Project Manager for **The Trust for Public Land**, wrote:

*“The 20-acre tract that Mr. Weissman would convey into public ownership... is one of the most developable sites in the entire Taylor Fork drainage. Losing this parcel to development, after so much effort has gone into protecting the rest of the drainage, would be a tragedy and a real blow to wildlife and the recreating public.”*

Hannah Stauts, staff for **Greater Yellowstone Coalition**, wrote:

*“I am writing to share our organization’s enthusiastic support of the proposed Snowy Range Ranch Land Exchange. The Greater Yellowstone Coalition has long supported efforts to acquire and consolidate ownership of lands in the Taylor Fork drainage.”*

Randy Newberg, **Headwaters Sportsman Association**, wrote:

*“We fully support the Snowy Range Ranch Land Exchange. We have been involved in all the land exchanges on the Gallatin National Forest. Those land exchanges have been very beneficial to hunters and anglers, and all recreationists.”*

Three private landowners, who operate family/guest ranches in the Taylor Fork area, and three other private parties, also submitted comments in support of the exchange.

Duncan and Eva Patten, **Black Butte Ranch**, wrote:

*“It is a total win-win... We commend Mr. Weissman, The Trust for Public Land and the Gallatin National Forest for their efforts to resolve a longstanding problem with this private inholding on Section One in the Taylor Fork. At the same time, the exchange provides for a more manageable and clearcut boundary between Forest Service lands and the Snowy Range Ranch.”*

Kim Kelsey, **Nine Quarter Circle Ranch**, wrote:

*“We feel this is a worthwhile exchange. The twenty-acre (Taylor Fork) piece is pretty isolated in terms of access and utilities. The wildlife over the years have utilized this mostly sagebrush hill country and it would be a shame to see a home built in the middle of this habitat.”*

Sandy Martin, **Trapper's Cabin Ranch**, wrote:

*"The development of this (Taylor Fork) parcel in the midst of these consolidated GNF lands positioned between the northwest corner of Yellowstone National Park and the Lee Metcalf Wilderness would represent a significant loss to the hunters, fishermen, horsemen, hikers and other members of the public who recreate here, and to the grizzly bear, elk and moose...."*

**Dick Fast** of Big Sky wrote:

*"The modifications in the East Fork Mill Creek seem to make common sense. The transfer of land from private to forest service in the Taylor Fork is essential. The 20 acre plot sticks out like a sore thumb, in the middle of elk and other migratory paths."*

**Craig Matthews** of West Yellowstone wrote: *"What a tragedy it would be both for the public and wildlife if this (Taylor Fork) parcel were to be lost to development."*

**Rick and Mary Lee Reese** of Bozeman wrote:

*"It is a great example of a "win-win" private-public partnership, and both the Forest Service and Mr. Wiseman are to be commended for their commitment to move this project forward."*

The Forest Service appreciates and concurs with the above comments. I believe this land exchange will achieve the longstanding goal of consolidating public lands in the Taylor Fork, improving future management for wildlife and recreation, and reducing the risk of development. I also believe the small land adjustments along East Fork Mill Creek, with the deed restrictions, will simplify future management and continue to provide reasonable public access.

Louis B. Goosey, **Park County Rod & Gun Club**, wrote in opposition to the land exchange: *"The main objection to this land exchange is the loss of 6.95 acres of public land (#44 on Map A) adjacent to the trailhead. The stream runs right through Tract 44 and it is a spot that people can easily access to fish or just enjoy with their children or grandchildren and not have to worry about staying within the high water mark...I would hope that public land in the Taylor Fork is not viewed as more valuable than public land in Mill Creek."*

While I certainly respect the concerns expressed by Mr. Goosey regarding Tract 44, I want to briefly respond. First, in negotiations that led to the proposed exchange, Walt Weissman made it clear that Tract 44 was an essential component of an exchange. Second, the road and bridge that currently encumber Tract 44, and that provide vehicle access to SRR, are currently authorized by Forest Service special use permit. After the exchange, these permits will no longer be needed. In the exchange, the U.S. will acquire lands that are not encumbered by private roads or bridges.

Third, the patent restrictions on Tract 44 will permanently protect the fisheries and riparian areas along the creek. Fourth, I recognize that exchanging Tract 44 will result in a loss of public access to 6.95 acres. However, I concluded that public acquisition of 21.39 acres, including the land along the south side of East Fork Mill Creek, and the land in the Taylor Fork, will improve public access overall. Lastly, the existing Trailhead and Trail No. 51 will not be affected

## VII. Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed activities and alternatives documented in the EA for the Snowy Range Ranch Land Exchange and determined that these actions will not have significant impacts on the quality of the human environment. Thus, an Environmental Impact Statement (EIS) will not be prepared. The implementing regulations for NEPA at 40 CFR 1508.27 provide criteria for determining the significance of effects. This provision requires consideration of both the **context and intensity** of predicted effects in determining significance. I based my finding on the following:

(a) **Context:**

I have determined that the appropriate context for weighing the significance of impacts is within the general vicinity of the project, including the East Fork Mill Creek drainage and the Taylor Fork drainage. I came to this conclusion because the potential environmental, social and economic effects are not significant and are limited to the project area and the immediately adjacent areas (*See EA, Chapter 4, pages 47 - 66*).

(b) **Intensity:**

In accordance with 40 CFR 1508.27(b) my determination that the severity of impacts was not significant was based on consideration of the following 10 factors:

*1. Beneficial and adverse environmental impacts.*

Based on the predicted impacts of the alternatives discussed in the EA (*Chapters 2 and 3*), I have determined that both the beneficial and adverse impacts of the action will not be significant. As discussed earlier in this Decision Notice, five issues were identified as being significant to this decision. I concluded that the scope and magnitude of effects associated with these issues were limited and acceptable.

This land exchange, with the associated land donation, removal of encroachments and cabins, and the grant of a Forest road easement, is clearly in the public interest. This exchange meets the standards and guidelines of the Forest Plan.

Upon conveyance of the non-Federal lands to the U.S., the newly-acquired lands will be managed similar to the surrounding NFS lands, in accordance with the Forest Plan.

The exchange of lands with SRR in the East Fork Mill Creek will simplify future management for both parties, clarify boundaries along the creek, resolve several encroachments on NFS lands, and result in removal of a private cabin from the floodplain. Patent restrictions will protect the wetlands, floodplain and riparian areas. Some loss of recreational access will occur.

The additional consolidation of NFS lands in Section 1 of the Taylor Fork will conserve valuable wildlife habitat, improve recreational access, protect scenic values and reduce the risk of new roads and private developments. (*See EA, pages 53-61*).

**2. *The degree to which the proposed action affects public health or safety.***

The SRR Exchange does not include activities that pose a risk to public health and safety. No hazardous materials were found on any exchange lands. (See EA, pages 63-64).

The land exchange and land donation will help protect the integrity of the Taylor Fork, an area that contains outstanding wildlife and fisheries habitat values, scenic values and public recreation opportunities. (See EA, pages 53-61).

The Federal lands conveyed to private ownership will become subject to the laws, regulations and zoning authorities of state and county governments (36 CFR 254.3).

**3. *Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, wetlands, or ecologically critical areas.***

There will be no significant effects on unique characteristics of the area, because the lands to be exchanged have similar characteristics and have historically been managed primarily for wildlife and dispersed recreation use. No Inventoried Roadless, wilderness study area, or designated wilderness lands are involved. (See EA, page 61).

The analysis also demonstrates that there will be no significant effects on ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, or wild and scenic rivers. (see EA, Chapter 4).

The Proposed Action will transfer approximately 5.7 acres of wetlands and floodplain into private ownership with patent restrictions, and approximately 2.16 acres of wetlands and 1.16 acre of floodplain into public ownership. To ensure no loss of wetland, floodplain or riparian values, the patents conveying Federal lands will include permanent restrictions stipulating that the lands shall not be managed so as to change the natural elements of the floodplain/wetland/riparian area. By including these patent restrictions, the exchange will comply with Executive Orders 11990 for wetlands and 11988 for floodplains.

Consolidation of NFS lands in Section 1 in the Taylor Fork should result in fewer requests for new roads across NFS lands and development of private lands (See EA page 53-63).

**4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (See EA, Chapter 4).



The comments received during scoping in 2009 and the comments received on the EA in 2011 were mostly supportive and do not demonstrate a high degree of controversy. The public comments primarily relate to the issues identified in the EA (effects on wildlife and fisheries habitats, effects on recreational access, effects on wetlands/floodplains/riparian areas, and encroachments on NFS lands), as analyzed in Chapter 4 of the EA.

***5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

There are no known effects to the human environment that are highly uncertain or involve unusual risk. The effects of the action are similar to those of past similar actions. The Forest Service, Northern Region, Gallatin National Forest, have implemented numerous land exchanges and land donations, and granted and Forest road easements over many years. The effects of these actions are well understood (*See EA, Chapter 4*).

***6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.***

This project does not set a precedent for other projects that may be implemented to meet the goals and objectives of the Forest Plan. Other than the exchange of lands and the grant, reservation and assignment of road easements, this action does not authorize any site-specific management activities by either party. In the future, the Forest Service must carefully evaluate each potential land exchange or other action on its own merits. Any future action must be evaluated through the National Environmental Policy Act process. Any future action must stand on its own regarding a public interest determination, feasibility, and environmental effects.

***7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

The cumulative effects of past, present, and reasonably foreseeable future actions were considered for each of the significant issues. Based on these discussions, I conclude there would be no significant cumulative impacts. (*See EA, Chapter 4*.)

***8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.***

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because investigation of the lands to be conveyed into private ownership identified no such resources. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because no cultural resources are known to occur on any of the lands

identified for exchange. The exchange will result in removal of two cabins from lands conveyed to the U.S. The two cabins do not have any significant historic or cultural value. (See EA, Chapter 4, page 62).

**9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.***

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because the Biological Assessment and Biological Evaluation for the project did not identify any such adverse effects (See EA, pages 53-59). In a November 22, 2010 letter to Cavan Fitzsimmons, Hebgen Lake District Ranger, the US Fish and Wildlife Service (Mark Wilson, Field Supervisor) stated: “...the Service has reviewed the Biological Assessment and concurs with the determination that the proposed action is not likely to adversely affect the threatened grizzly bear, or designated critical habitat for Canada lynx or gray wolves. We acknowledge the no effect determination for Canada Lynx and gray wolves”

**10. *Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.***

This action does not threaten a violation of federal, state or local law or requirements imposed for protection of the environment. Applicable laws and regulations were considered in the EA (see EA Chapters 3 and 4, and Section VIII below).

The action is consistent with the Forest Plan (1987) for the Gallatin National Forest, as amended, (See EA page 10, and Chapters 3 and 4). The project meets the overall direction of protecting the environment while producing goods and services, and using landownership adjustment as a tool for accomplishing resource management objectives.

The action will authorize transfer of title to lands, federal patent restrictions, and the Forest Service grant of a road easement. The action will not authorize any site-specific management activities by either party.

Officials for the state of Montana, Gallatin County and Park County were made aware of the land exchange. No objections were received. The Federal lands conveyed to private ownership will be subject to state and county laws, regulations and zoning authorities. The state of Montana and Park County will be the primary regulatory authorities for land use activities that may occur on the land conveyed to private ownership.



## VIII. Findings Required by Other Laws, Regulations, and Policies

- This land exchange, together with the grant, reservation and assignment of road and trail easements, complies with the requirements of **The General Exchange Act** (P.L. 67-173; 42 Stat. 465; March 20, 1922), as amended by the **Federal Land Policy and Management Act of 1976** (“FLPMA”, P.L. 94-579; 90 Stat. 2743; October 21, 1976) and the **Act of August 20, 1988** (“FLEFA”, 102 Stat. 1086; 43 U.S.C. 1716(note).
- This land exchange complies with **Sec. 402 (g) of FLPMA** regarding grazing allotments. There are no grazing allotments on the Federal lands identified for exchange.
- This exchange complies with **Section 404 of the Clean Water Act**, and with **Executive Order 11988** for floodplains and **Executive Order 11990** for wetlands management. The patents conveying Federal lands will include permanent restrictions stipulating that the lands shall not be managed so as to change the natural elements of the floodplain/wetland/riparian areas.
- The exchange complies with the **Endangered Species Act** of 1973, as amended. The Biological Assessment and Evaluation (July 2009) show that no Endangered, Threatened or sensitive species or their habitats will be adversely affected. US Fish and Wildlife Service wrote a letter (November 2010) concurring with this finding of no effect.
- This exchange complies with the Forest Plan for the Gallatin National Forest, as amended, and therefore complies with the **National Forest Management Act** of October 22, 1976, as amended.
- In 2005, the Forest Service implemented a travel rule (36 CFR Parts 212, 251, 261, and 295) closing NFS lands to motorized travel except on designated routes. In 2006, the Gallatin National Forest issued its **Travel Management Plan**. This exchange is consistent with the adopted travel rules and Travel Management Plan. It will consolidate NFS and private lands, and improve future management of travel on NFS lands.
- No lands in the exchange are located within Congressionally-designated Wilderness or Inventoried Roadless Areas. The exchange complies with **The Wilderness Act of 1964** and the **Roadless Final Rule** (36 CFR 294, USDA 2001).
- No resources eligible for the **National Register of Historic Places** were located within the Federal land, thus no action was necessary for compliance with **Section 106 of the National Historic Preservation Act** and **Executive Order 11593**.

- This exchange does not conflict with **Executive Order 12898** regarding Environmental Justice in Minority Populations and Low Income Populations. No concerns related to Environmental Justice have been identified.
- The non-Federal and Federal lands in the exchange were appraised to federal standards and reviewed and approved by a Forest Service Review Appraiser. The appraisals for this exchange are in compliance with the “*Uniform Appraisal Standards for Federal Land Acquisitions*” and the “*Uniform Standards of Professional Appraisal Practice*”.
- The Federal and non-Federal lands were examined for evidence of hazardous materials in accordance with the **Comprehensive Environmental Response, Compensation and Liability Act** of 1980 (CERCLA) (42 U.S.C. 9601), as amended. Environmental Site Assessments were completed by a qualified investigator. No evidence was found to indicate any hazardous material was stored, disposed or released on the lands.

## IX. Implementation

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## X. Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. Only individuals or organizations that submitted comments or otherwise showed interest in this project may appeal. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Bozeman Chronicle. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to: USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, P.O. Box 7669, Missoula, MT 59807; or USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, 200 East Broadway, Missoula, MT 59802. Office hours: 7:30 a.m. to 4:00 p.m. Fax (406) 329- 3411.

Electronic appeals must be submitted to: <appeals-northern-regional-office@fs.fed.us>. In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information: The appellant's name and address, with a telephone number, if available; A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal); When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request; The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C; Any specific change(s) in the decision that the appellant seeks and rationale for those changes; Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and, How the appellant believes the decision specifically violates law, regulation, or policy.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

When an appeal is received under this rule, the Responsible Official, or designee, must contact the appellant and offer to meet and discuss resolution of the issues raised in the appeal (36 CFR 215.17). If the appellant accepts the offer, the meeting must take place within 15 days after the closing date for filing an appeal (i.e. 45 to 60 days from the publication date of the legal notice of this decision in the Bozeman Chronicle). These meetings, if they take place, are open to the public. For information on if, when and where such a meeting is scheduled, please visit the following web site: [www.fs.usda.gov/goto/r1/appeal-meetings](http://www.fs.usda.gov/goto/r1/appeal-meetings)

## **XI. Contact Person**

For additional information concerning this decision or the Forest Service appeal process, contact Robert Dennee, Project Manager, East Side Lands Zone, c/o Gallatin National Forest, 10 East Babcock Street, Bozeman, MT 59715. Phone: 406-587-6914, e-mail: [rdennee@fs.fed.us](mailto:rdennee@fs.fed.us).

Mary C Erickson  
**MARY C. ERICKSON**  
Forest Supervisor  
Gallatin National Forest

7/29/2011  
Date

## **XII. Appendix A – Response to Comments on the EA**

### **Snowy Range Ranch Land Exchange**

<b>No.</b>	<b>Commenter</b>
<b>1</b>	<b>Hannah Stauts, Greater Yellowstone Coalition</b>
<b>2</b>	<b>Rick and Mary Lee Reese, Bozeman</b>
<b>3</b>	<b>Alex Diekmann, The Trust for Public Land</b>
<b>4</b>	<b>Dick Fast, Big Sky</b>
<b>5</b>	<b>Randy Newberg, Headwaters Sportsman Association</b>
<b>6</b>	<b>Duncan and Eva Patten, Black Butte Ranch</b>
<b>7</b>	<b>Craig Mathews, Blue Ribbon Flies</b>
<b>8</b>	<b>Kim Kelsey, Nine Quarter Circle Ranch</b>
<b>9</b>	<b>Sandy Martin, Trapper’s Cabin Ranch</b>
<b>10</b>	<b>Pat Flowers, MT Fish, Wildlife &amp; Parks</b>
<b>11</b>	<b>Louis B. Goosey, Park County Rod &amp; Gun Club</b>

## Forest Service Response to Comments

Comment No.	Comment and Forest Service Response
1.01	<p><b>GYC - Comment:</b> The Greater Yellowstone Coalition has long supported efforts to acquire and consolidate ownership of lands in the Taylor Fork drainage. The Snowy Range Land Exchange would bring one of the last remaining parcels of private land within the Taylor Fork into public ownership, making an important addition to the large block of consolidated public lands already protected from the impacts of development.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
2.01	<p><b>Rick and Mary Lee Reese - Comment:</b> This exchange will serve the public interest in a most favorable manner as a particularly important private parcel in the Taylor Fork comes into public ownership. It is a great example of a “win-win” private-public partnership, and both the Forest Service and Mr. Wiseman are to be commended for their commitment to move this project forward.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
3.01	<p><b>TPL - Comment:</b> The 20-acre tract that Mr. Weissman would convey into public ownership... is one of the most developable sites in the entire Taylor Fork drainage. Losing this parcel to development, after so much effort has gone into protecting the rest of the drainage, would be a tragedy and a real blow to wildlife and the recreating public.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>

Comment No.	Comment and Forest Service Response
4.01	<p><b>Dick Fast - Comment:</b> The modifications in the East Fork Mill Creek seem to make common sense. The transfer of land from private to forest service in the Taylor Fork is essential. The 20 acre plot sticks out like a sore thumb, in the middle of elk and other migratory paths.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
5.01	<p><b>Headwaters Sportsman Association - Comment:</b> We fully support the Snowy Range Ranch Land Exchange. We have been involved in all the land exchanges on the Gallatin National Forest. Those land exchanges have been very beneficial to hunters and anglers, and all recreationists.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
6.01	<p><b>Black Butte Ranch - Comment:</b> It is a total win-win...We commend Mr. Weissman, The Trust for Public Land and the Gallatin National Forest for their efforts to resolve a longstanding problem with this private inholding on Section One in the Taylor Fork. At the same time, the exchange provides for a more manageable and clearcut boundary between Forest Service lands and the Snowy Range Ranch.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
7.01	<p><b>Craig Matthews - Comment:</b> What a tragedy it would be both for the public and wildlife if this (Taylor Fork) parcel were to be lost to development.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>

Comment No.	Comment and Forest Service Response
8.01	<p><b>Nine Quarter Circle Ranch – Comment</b>  We feel this is a worthwhile exchange. The twenty-acre (Taylor Fork) piece is pretty isolated in terms of access and utilities. The wildlife over the years have utilized this mostly sagebrush hill country and it would be a shame to see a home built in the middle of this habitat.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
9.01	<p><b>Trapper’s Cabin Ranch - Comment</b>  The development of this (Taylor Fork) parcel in the midst of these consolidated GNF lands positioned between the northwest corner of Yellowstone National Park and the Lee Metcalf Wilderness would represent a significant loss to the hunters, fishermen, horsemen, hikers and other members of the public who recreate here, and to the grizzly bear, elk and moose....</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>
10.01	<p><b>Montana Fish, Wildlife and Parks - Comment</b>  We believe this land exchange includes many benefits and we support the project. The gain of USFS land in the Taylor Fork is another addition to a nearly 20 year-long project consolidating public lands in an area of enormous importance to wildlife...On the East Fork Mill Creek area, the land exchange will result in a small loss of public land, but boundaries between public and private land will be much clearer...The exchange will also result in removal of one of the last guest ranch cabins that is in the floodplain.</p> <p><b>Response:</b> Ten written comments were received in support of the land exchange. The Forest Service response to these ten comments is contained on page 32.</p>

Comment No.	Comment and Forest Service Response
1.01 to 10.01	<p><b>Response:</b></p> <p>The Forest Service concurs with the comments on the EA from the Greater Yellowstone Coalition, Rick and Mary Lee Reese, The Trust for Public Land, Dick Fast, Headwaters Sportsman Association, Black Butte Ranch, Craig Mathews, Nine Quarter Circle Ranch, Trapper’s Cabin Ranch, and MT Fish, Wildlife &amp; Parks.</p> <p>As described in the EA (Sections 4.3. 4.4. 4.5, 4.8 and 4.10, pages 56 to 65) and in this Decision Notice, I believe the Snowy Range Ranch Land Exchange will complement the nearly 20 years of efforts by cooperating agencies, conservation groups and Taylor Fork landowners to acquire private land “inholdings” from willing sellers, and to consolidate the National Forest lands in the Taylor Fork area.</p> <p>The exchange will enable public acquisition of a critical private inholding in Section 1 that is surrounded by NFS lands acquired in the past decade. I recognize the public benefits of acquiring this parcel, to help conserve critical habitat for grizzly bear, elk, moose and other species, improve opportunities for recreation, and protect scenic values.</p> <p>The exchange/donation will reduce the risk of re-sale of this parcel and the prospect of new private roads and residential development in Section 1. The exchange will also set the stage for removal of the vacant private cabin on the property and restoration of that site.</p> <p>As noted in the comments, I also believe the small land adjustments along the East Fork Mill Creek will simplify future management and continue to provide reasonable public access. We agree with comments regarding the value of using permanent patent restrictions for lands along the creek. These restrictions will protect wetlands and riparian areas and prevent alteration of flows in East Mill Fork Creek that could adversely affect Yellowstone cutthroat trout, a sensitive species.</p> <p>We also concur with the comments that public use of the existing East Fork Mill Creek Trailhead and Trail No. 51 will not be affected in this exchange.</p> <p>As described in the EA (Sections 4.3. 4.4. 4.5., 4.8 and 4.10, pages 56- 65), I recognize the public benefits of consolidating public and private lands in the East Fork Mill Creek area. This exchange will result in moving the public/private property boundary to the centerline of East Fork Mill Creek, creating a more manageable and recognizable boundary between the national forest and Snowy Range Ranch.</p>



Comment No.	Comment and Forest Service Response
11.01	<p><b>Park County Rod &amp; Gun Club - Comment:</b>  The main objection to this land exchange is the loss of 6.95 acres of public land (#44 on Map A) adjacent to the trailhead. The stream runs right through Tract 44 and it is a spot that people can easily access to fish or just enjoy with their children or grandchildren and not have to worry about staying within the high water mark...I would hope that public land in the Taylor Fork is not viewed as more valuable than public land in Mill Creek.</p> <p><b>Response:</b>  The Forest Service understands and respects the concerns regarding the exchange of Federal Tract 44, and the resulting loss of assured public access to this nearly 7-acre parcel of land. The Forest Service offers the following in response.</p> <p>In negotiations that led to the exchange proposal, Walt Weissman made it clear that he considered Tract 44 an essential component of the exchange. For any land exchange to work, both parties must see the value and the benefit of pursuing it. I believe the public benefits of acquiring the lands in the Taylor Fork and along the south side of East Fork Mill Creek significantly outweigh the tradeoff of exchanging the parcels of land north of the creek, along the borders of HES 866. Exchanging Tract 44 to SSR will result in a loss of public access. However, public acquisition of 21.39 acres in two areas will improve public access overall.</p> <p>The National Forest lands in this exchange are encumbered by numerous encroachments, including a road and bridge, driveway, septic and and a buried concrete retaining wall. This exchange will transfer these encroachments to private ownership. In turn, the U.S. will acquire lands that are not encumbered by encroachments. The two cabins currently on those lands will be removed.</p> <p>The patent restrictions on the Federal lands will permanently protect the fisheries and riparian areas along the creek. The existing Trailhead and Trail No. 51 will not be affected by this exchange. Much of the development of the SRR has already occurred, and little further development is anticipated. Weissman has expressed an interest in placing a conservation easement on the SRR after the exchange.</p> <p>Mr. Goosey also expressed concerns about construction of a hydroelectric facility on the East Fork Mill Creek. He requested copies of permits issued to Snowy Range Ranch before construction began. The Forest Service obtained copies of the permits for this hydro facility and sent copies of the permits to Mr. Goosey.</p>